

## **Item SPR05-35 Response Form**

**Title:** Trial Court Administration Rules: Disqualification Notification (adopt Cal. Rules of Court, rule 6.625)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

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**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Monday, June 20, 2005
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.  
All comments will become part of the public record of the council's action..*

## Invitation to Comment (SPR05-35)

Title	Trial Court Administration Rules: Disqualification Notification (adopt Cal. Rules of Court, rule 6.625)
Summary	This proposed rule would require courts to notify a judge when the judge has been disqualified as a result of a peremptory challenge filed under Code of Civil Procedure section 170.6.
Source	Civil and Small Claims Advisory Committee
Staff	Mark Jacobson, Attorney, 415-865-7898, mark.jacobson@jud.ca.gov
Discussion	<p>In some courts, particularly those with master calendar departments, a judge who is disqualified under Code of Civil Procedure section 170.6 may be unaware that he or she has been disqualified. There have been several instances in which a judge to whom a case is reassigned unwittingly contacted the disqualified judge for advice about the case. A disqualified judge is not permitted to communicate about the case with the judge to whom a case is reassigned.</p> <p>This proposed rule would help prevent any unintentional violations of the Code of Judicial Ethics resulting from discussions between a disqualified judge and the judge to whom a case is reassigned. It would require a presiding judge or the presiding judge's designee to promptly inform a judge who is the subject of a peremptory challenge under section 170.6 that he or she has been disqualified. Recognizing that some judges have direct knowledge of the disqualification, the rule would require a presiding judge or the presiding judge's designee to inform the disqualified judge of the peremptory challenge only if that judge has no direct knowledge of the disqualification.</p> <p>The proposed rule does not specify the procedure a court must use to comply with the rule. This would allow a court the flexibility to adopt any procedure that results in prompt notification to the disqualified judge.</p> <p>The text of the proposed rule is attached at page 2.</p>
	Attachment

## Invitation to Comment (SPR05-35)

Rule 6.625 of the California Rules of Court would be adopted effective January 1, 2006, to read:

1 **Rule 6.625. Disqualification notification**

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3 When a judge, court commissioner, or referee is disqualified under Code of Civil  
4 Procedure section 170.6 from hearing a matter, the presiding judge or his or her designee  
5 must promptly inform the disqualified judge, court commissioner, or referee of the  
6 disqualification, unless the judge, commissioner, or referee has direct knowledge of the  
7 disqualification.